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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,435	11/27/2001	Thierry Planterose	PHFR 000129	9798

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EXAMINER

O'STEEN, DAVID R

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,435

Applicant(s)

PLANTEROSE, THIERRY

Examiner

David R. O'Steen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Note to Applicant

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Oath/Declaration

2. The oath submitted on April 19, 2006 has been accepted.

Drawings

3. The drawings were received on April 19, 2006. These drawings are accepted by the examiner.

Response to Arguments

4. Applicant's arguments filed April 19, 2006 have been fully considered but they are not persuasive. On page 6, paragraph 2 of the Remarks, the applicant states that Noguchi is directed to a method and apparatus for adjusting font size in an electronic program guide display. On page 6, paragraph 3 of the Remarks, the applicant states that Noguchi does not cure the deficiency of Sciammarella and Knowles, namely their lack of a transparency coefficient.

The examiner respectfully disagrees. As paragraphs 93 and 94, as well as figure 26, of Noguchi make clear, the transparency coefficient is applied to the EPG. Noguchi, therefore, meets the limitation of "transparency coefficient" in Claim 2.

All other arguments are moot due to the new grounds of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, and 8 relative to Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan (WO 00/01154) in view of Reynolds (US 6,563,515).

As regards Claims 1, 4, and 8 relative to Claim 1, Rajan discloses a method and set-top box product for composing an MPEG-4 video scene (page 7, lines 3-5) at least from a first set of input video coded according to the MPEG-4 standard (pages 11 and 12, lines 29-31 and 1-18), said set-top box comprising a first decoding means for generating a first set of decoded MPEG-4 video objects (figs. 1.154 and 1.164 and page 13, lines 14-28), and rendering means for generating composed frames of said video scene from at least said first set of decoded MPEG-4 video objects in a composition buffer (figs. 1.176 and 1.186 and page) but fails to disclose that said method and set top box product is characterized in that said method also comprises: a second decoding means for generating a set of decoded video data from a set of input video data not

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MPEG-4 compliant and a video object creation means for generating a second set of video objects, each created video object being formed by the association of a decoded video data extracted from said set of decoded video data in the same video scene, said second set of video objects being rendered jointly with said first set of decoded MPEG-4 video objects by said rendering means. Reynolds does disclose that said method and set top box product is characterized in that said method also comprises: a second decoding means for generating a set of decoded video data from a set of input video data not MPEG-4 compliant (such as analog data or digital data not of the MPEG-4 standard, col. 6, lines 18-24) and a video object creation means for generating a second set of video objects, each created video object being formed by the association of a decoded video data extracted from said set of decoded video data, and a set of properties for defining characteristics of said decoded data in the video scene, said second set of video objects being rendered jointly with said first set of decoded MPEG-4 video objects by said rendering means (such as rendering two video feeds along with EPG guide on a television display at the same time, fig. 6a).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to provide a dual tuner set top box with joint rendering means as in Reynolds, an analogous product to the MPEG-4 enabled set top box of Rajan so that the viewer could see video from two channels as opposed to just one.

As regards Claim 6, Rajan further discloses a set-top box product further characterized in that it comprises means for taking into account user interactions for the purpose of modifying the relative spatial positions of said first set of decoded MPEG-4

video objects and said second set of video objects in the MPEG-4 video scene (such as being able to reposition objects, or change an objects' size, color, and shape, pages 1 and 2, lines 28 and 1-3).

Claims 2 and 8 relative to Claim 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan (WO 00/01154) in view of Reynolds (US 6,563,515) and in further view of Noguchi (US 2005/0193337).

As regards Claims 2 and 8 relative to Claim 2, Rajan and Reynolds jointly disclose the method of Claim 1. Reynolds further discloses a method characterized in that said properties define the depth and a geometric transform (such as being able to reposition objects, or change an objects' size, color, and shape, pages 1 and 2, lines 28 and 1-3). Rajan and Reynolds do not disclose a transparency coefficient. Noguchi does disclose a transparency coefficient (fig. 26.2604).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to provide levels of transparency, as in Noguchi, an analogous art, to the rendered objects of Rajan and Reynolds so that certain objects (such as EPGs) obstruct a minimal amount of viewing space.

Claims 3, 7, and Claim 8 relative to Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan (WO 00/01154) in view of Reynolds (US 6,563,515) and in further view of Broadwin (US 6,941,574).

As regards Claims 3, 7, and 8 relative to Claim 3 while Rajan and Reynolds disclose the method and set top box product of Claims 1 and 4, they do not disclose that it is characterized by a second decoding step that is dedicated to decoding of input video data coded according to the MPEG-2 video standard. Broadwin discloses that it is characterized by a second decoding step that is dedicated to decoding of input video data coded according to the MPEG-2 video standard (col. 7, lines 18-27).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to make the second decoder MPEG-2 compliant, as in Broadwin, an analogous art, in the set top box and method of Rajan and Reynolds because much broadcast media uses the MPEG-2 standard.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan (WO 00/01154) in view of Reynolds (US 6,563,515) and in further view of Sciammarella (US 6,425,129).

As regards Claim 5, Rajan and Reynolds jointly discloses the set top box as claimed in Claim 4 but fails to disclose a set top product characterized in that: a) a decoding means correspond to the execution of dedicated program instructions by a signal processor, said program instructions being loaded in said signal processor or in a memory, b) video object creation means correspond to the execution of dedicated program instructions (such as software) by said signal processor, said program instructions being loaded in said signal processor (such as an MPEG video decoder) or in a memory, said signal processor being dedicated to the association of data defining

properties with each video data constituting said set of decoded video data so as to define characteristics of each decoded video data in the video scene, c) rendering means not only correspond to the execution of dedicated program instructions by said signal processor, said program instructions being loaded in said signal processor or in a memory, but also to the execution of hardware functions by a signal co-processor in charge of the re-copying of said second set of video objects into said composition buffer. Sciammarella discloses a set-top box product characterized in that: a) a decoding means correspond to the execution of dedicated program instructions by a signal processor, said program instructions being loaded in said signal processor or in a memory, b) video object creation means correspond to the execution of dedicated program instructions (such as software) by said signal processor, said program instructions being loaded in said signal processor (such as an MPEG video decoder) or in a memory, said signal processor being dedicated to the association of data defining properties with each video data constituting said set of decoded video data so as to define characteristics of each decoded video data in the video scene (figs. 2.31 and 2.43 and col. 3, lines 49-56), c) rendering means not only correspond to the execution of dedicated program instructions by said signal processor, said program instructions being loaded in said signal processor or in a memory, but also to the execution of hardware functions by a signal co-processor in charge of the re-copying of said second set of video objects into said composition buffer (fig. 2.44).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the set top box configuration of Sciammarella, an analogous art, with set top box Rajan and Reynolds to efficiently display the video output.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan (WO 00/01154) in view of Reynolds (US 6,563,515) and Noguchi (US 2005/0193337) and in further view of Broadwin (US 6,941,574)

As regards Claim 8, Rajan, Reynolds, Noguchi and Broadwin jointly describe the a computer program product for a device composing an MPEG-4 video scene from MPEG-4 video objects and non-MPEG-4 video objects, which product comprises a set of instructions which, when loaded into said device, causes said device to carry out the method as claimed in Claims 1 to 3 (see citations of prior art in claims 1-3 above).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



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